

# T H E WILLIAMSON ACT



## 1991-93 STATUS REPORT

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**DEPARTMENT OF CONSERVATION**

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July 1, 1994

Dear Reader:

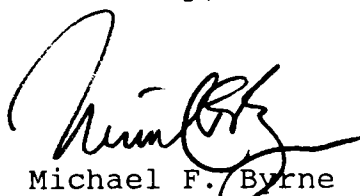
California's economic recovery continues to be the focus of public and business leaders. As the leading agricultural state in the nation, California employs 285,000 persons or 2.07 percent of the State's total employment in direct farm production. An additional 252,996 Californians are employed in farm related jobs. The Williamson Act, California's only statewide agricultural and open space land protection program conserves 15,952,365 acres or half of the State's farmlands impacting the economic welfare of this state.

Counties with the most acreage enrolled in the Williamson Act such as Kern, Fresno and Tulare show significant agriculture-related employment. The data in this report presents the status of the 47 counties enrolled in the program. Lands under contract have remained relatively unchanged since the 1992 report was published. While farmers adopt conservation measures and mechanize the agricultural process to produce greater yields and maintain profits, agriculture continues to strengthen local economies by creating one in ten jobs in California.

In support of the Department of Conservation's commitment to the Williamson Act and its effect on rural employment, Governor Pete Wilson signed SB 683 (Green) to increase subvention payments to counties from \$14 million to \$35 million in 1994. Cities and counties implementing cost cutting measures in response to revenue loss will find an added incentive for conserving agricultural lands and open space.

As we progress through the 1990s, our goal of maintaining agricultural lands and open space to protect one of California's leading industries will remain.

Sincerely,



Michael F. Byrne  
Director

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## Acknowledgements

The *Williamson Act Status Report* was produced by the California Department of Conservation's Office of Land Conservation under the direction of Jane Irwin, Assistant Director for Administration. Kathleen McPherson and Patricia Gatz, of the Land Conservation Unit's Open Space Administration Program, researched and compiled data for the analysis presented. The Report was written by Unit Manager, Ken Trott. Marta Kravech was responsible for graphic design, layout and production.

The Department thanks the planners and assessors of the 47 counties and 16 cities participating in the Williamson Act Program. Without the expertise and cooperation of these professionals this report would not be possible.

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# EXECUTIVE SUMMARY

The California Land Conservation Act of 1965, also known as the Williamson Act, was created for the "preservation of a maximum amount of the limited supply of agricultural land" in California. Under the Williamson Act Program, landowners may enter into ten year rolling contracts with participating cities and counties to restrict their lands to agricultural or open space uses. In exchange, landowners are taxed preferentially, based on the actual, rather than speculative, use of their land.

The Williamson Act Status Report is mandated by the California Legislature. The purpose of the report is to provide information to the Legislature and general public on the implementation of the Williamson Act by the 47 counties and 16 cities currently participating in the Program. While mandated as an annual report, in 1993 this, and other statutorily required reports, were temporarily suspended. Therefore, the 1994 report covers the reporting years of 1991 to 1993. The highlights of the 1991-93 Status Report are as follows:

## ***Program Status***

- In 1992-93 more than 15.9 million acres of agricultural land and open space -- half the State's total agricultural land -- were enrolled in Williamson Act contracts in 47 counties and 16 cities.
- A third (5.7 million acres) of these acres were prime agricultural land, the remainder were open space, or non-prime, lands. More than 70% of the State's estimated acreage of prime farmland is under contract.
- A few key agricultural counties, primarily in the San Joaquin Valley, account for a majority of land under Williamson Act contract.

- The State's highest quality farmland is under the Williamson Act. The counties most active in the Williamson Act Program are also those with the State's highest agricultural production values in 1992.

## ***Changes Since the 1990-91 Status Report***

- Data collected from 1991-93 shows minimal change in overall Williamson Act enrollment since 1990-91. Total Williamson Act contract acreage increased by 5,404 acres. This represents a relatively insignificant change, but nevertheless reverses the small decline in acreage that occurred in 1990-91.
- Likewise, there was very little change in Williamson Act acreage enrollment within individual agricultural regions of the State. An exception was the Sacramento Valley Region which had a small net decline in enrolled acreage.
- A total of 130,414 new acres were added to the Program. Withdrawn from the Program were 125,010 acres, primarily through the completion of the nine-year contract nonrenewal process (53%), and public acquisition of contracted land by eminent domain (42%).
- During the 1992-93 reporting period most acreage leaving or entering the Williamson Act Program was non-prime agricultural land. However, in terms of net change, total prime agricultural land in the Program has declined slightly while total enrolled non-prime agricultural land has increased.
- Individual county gains or losses were relatively insignificant. As in the past, 1992-93 urban and urbanizing counties accounted for the largest net losses in acreage from the

Williamson Act Program. Two important agricultural counties, Fresno and Monterey, led all other Williamson Act counties in net acreage gained.

- Only 491 acres were removed from the Williamson Act by contract cancellation in 1992-93. This is a substantial decline from the 1,928 acres canceled in 1990-91 and the 1,794 acres canceled in 1991-92.
- Land removed from Williamson Act contract by eminent domain remained substantial. During the past two years approximately 25,000 to 27,000 acres per year were removed. Much of the land removed from contract by this process has been the result of many small public acquisitions for the expansion of existing public utilities, such as roads and sewerage treatment plants. A few large acquisitions were for public open space and wildlife habitat.
- Since 1991-92 most nonrenewal activity (contracts entering the nine-year contract phase-out process) occurred in the San Joaquin and Sacramento Valley Regions. Under 73,000 acres entered the nonrenewal process in those regions. Kern and Yolo Counties had the largest number of acres entering nonrenewal.

### ***Program Trends***

- Enrollment stabilized in the 1980s after increasing rapidly through the 1970s and more moderately in the 1980s.
- In the 1991-93 period new contracted acres declined from the higher rates of the period from 1988-91.
- Reflecting the lower number of acres beginning the nine-year nonrenewal process, the growth in the cumulative total of land in nonrenewal has slowed during the 1991-93 reporting period.

- The San Joaquin and Sacramento Valley Regions lead all other regions in cumulative acreage in the nine-year nonrenewal process of contract termination.
- Among counties, the largest number of acres at some stage of the contract nonrenewal process is in Kern, Stanislaus, Sacramento and Yolo counties.
- Regionally, the highest percent of total of contracted acres which are undergoing nonrenewal is in two rapidly urbanizing regions, the South Coast/Desert (11%) and Foothill/Central Sierra Regions (9%).
- Orange (70%), Nevada (40%), Placer (37%) and Riverside (33%) Counties have the largest percentages of their contracted land undergoing nonrenewal.

### ***Open Space Subventions***

- In 1992-93 Governor Wilson signed legislation increasing Open space Subvention payments to cities and counties by 150%. The State's share of the local cost of participating in the Williamson Act Program has grown from approximately 30% to 75%.
- Legislation in effect January 1, 1994 amended the Open Space Subvention allocation formula to increase the incentive for the protection of prime agricultural land, a change recommended by Governor Wilson's Interagency Growth Management Council.
- As a result of the Subvention formula change, State Open Space Subventions paid to participating local governments in 1993-94 are projected to be \$35 million, compared to \$14.1 million in 1992-93.

## ***Program Research: Motivations for Contract Nonrenewal***

- University of California research funded by the Department of Conservation in 1992 surveyed the location of, and landowner motivations for contract nonrenewal. Yolo County was used as a case study. Results of the study showed most landowners nonrenewing their Williamson Act contracts in anticipation of future development opportunities. However, most contract nonrenewals were not located in close proximity to urban boundaries where those opportunities would seem to exist. Some nonrenewal acreage may have been spurred by County discussions which identified potential sites for new County population growth.

## ***Legislation and Program Administration***

- Legislative reform in 1992 altered the way Williamson Act land is valued for property taxation. Formerly, appraised Williamson Act land values varied considerable from year to year. Recent legislation stabilizes these yearly changes in land values (and property taxes), easing previous financial planning hardships for farmers and ranchers.
- Defining compatible uses allowed on Williamson Act contracted land is a topic of considerable legislative and administrative activity. At the direction of Governor Wilson, the Resources Agency and the Department of Conservation are working to build consensus with agricultural and land development interest groups on a definition.



# INTRODUCTION: THE WILLIAMSON ACT

The California Land Conservation Act of 1965, also known as the Williamson Act, has protected agricultural and open space land in the State of California for nearly three decades. The Williamson Act is a voluntary, locally administered program. Landowners enroll their lands in the Program by signing ten to twenty-year contracts with participating cities and counties. Under these contracts, landowners agree to restrict their lands to agricultural or open space uses. In return, cities or counties agree to tax the contracted land at its agricultural use value. The public benefits by having protected open space and productive agricultural land. The landowner is more assured of continuing agricultural use of contracted land and receives lower property taxes.

The Act was first proposed as a remedy for the high, speculation-driven, agricultural land taxes which were spurred by California's rapid population growth after the second World War. However, it was not until advocates of open space land preservation joined the effort in 1965 that the Act was passed.

Although, in 1978 the voters enacted property tax relief in the form of Proposition 13, the Williamson Act remains a powerful land use influence in California. In a 1989 study of the Act surveys revealed that 84% of participating agricultural landowners polled were "satisfied, or extremely satisfied" with the Williamson Act. Nearly a third of the Williamson Act landowners surveyed believed that without the Act they would no longer own their land. In addition to the benefit of protecting agricultural and open space lands from urbanization, and from inflated land values and taxes, the Williamson Act has been effective as a local land use planning tool. The Act promotes compact growth and reduces leapfrog development and land fragmentation. As part of the same 1989 study, 90% of the surveyed local officials, community leaders and planners favored continued support for the Act based on the belief that the Program's benefits outweigh its costs.

## Multiple Purposes of the Williamson Act

### Agricultural Land Preservation

*...the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation.*

### Open Space Preservation

*...in a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands...constitutes an important physical, social, aesthetic and economic asset to existing or pending urban or metropolitan developments.*

### Efficient Urban Growth Patterns

*... the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontinuous urban development patterns which unnecessarily increase the costs of community services to community residents.*

(Government Code §51200)

When cities and counties sign Williamson Act contracts with landowners a tax savings generally accrues to the landowner. This savings corresponds to a local government tax revenue loss. Through the 1971 Open Space Subvention Act the State partially offsets this local cost of participation. Local governments submit their subvention entitlement applications annually to the Department of Conservation for reimbursement. State subvention payments are based on a formula which takes into account the number, and the agricultural and open space value, of acres under Williamson Act contract in each jurisdiction.

## ***State Responsibility***

Under the Williamson and Open Space Subvention Acts the Department of Conservation through its Office of Land Conservation has been given the responsibility for: (1) providing advice and interpretation of the Act to local governments, landowners, organizations and the general public; (2) conducting policy and programmatic research on the effectiveness of the Act; and, (3) recommending measures for improvement. In addition the Department disseminates information on the Act through publications and workshops.

The Secretary for Resources delegates to the Department the responsibility to administer the Open Space Subvention Act. The Department certifies and maintains records on Open Space Subvention entitlement payments and initiates enforcement action for violations of the Act pursuant to authority granted in the Open Space Subvention Act.

## ***Report Purpose and Contents***

This annual report meets the statutory requirement under Government Code Section 51207 to provide information to the Legislature on the status of the Williamson Act Program. This is the fifth report provided in the past six

years. In the 1992 Legislative Session, due to budget constraints, the Legislature suspended the mandate for most state reports, including the Williamson Act Status Report. As result, this 1994 report covers data for both 1991-92 and 1992-93. It should also be noted that the reporting year for Williamson Act Status Reports is from March 1 to March 1, in accordance with the property tax lien year. Provided in this report is:

- Information on acreage currently under the protection of Williamson Act Program, as well as acreage removed from, and added to, the Program since the 1990-91 Status Report;
- Analyses of key Williamson Act acreage trends;
- A summary of recent study of landowner motivations and geographical patterns of Williamson Act contract terminations;
- A discussion of recent legislative changes;
- Highlights of Departmental activities in the statewide administration of the Program; and,
- Appendices which include data summary tables, an overview of the Williamson and Open Space Subvention Acts, and a listing of Department of Conservation publications.

## ***How Data was Gathered***

The data for this report was compiled from the annual Open Space Subvention applications submitted by October 30 to the Department of Conservation by each participating county and city. Once reviewed for accuracy and certified by the Department the data is used for this Report and for the payment by the State Controller of local subvention entitlements.

Last year subvention application forms were improved in response to county and city recommendations. Future changes will be made to meet the demand for new interpretations. While the basic information gathered by the

applications remains the same, new and better data aids in the analyses done for this Report.

### ***Contract Acreage versus Subvention Acreage***

Not all acreage under Williamson Act contract qualifies for Open Space Subventions (see Section V). However, until the 1990-91 Status Report the acreage reported by the Department was acreage qualifying for subventions, not total acreage under contract. Beginning with the 1990-91 Status Report, total contracted acreage is reported and analyzed. Therefore caution should be exercised in making comparisons between years prior to 1990-91, and years including and subsequent to 1990-91. In most if not all years, total acreage under contract will be higher than acreage qualifying for subvention payments. In 1992-93 the total contracted acreage was approximately one million acres higher than "subvented" acreage.

# WILLIAMSON ACT PROGRAM ENROLLMENT STATUS: WHAT IS PROTECTED

## A MAJOR INFLUENCE ON CALIFORNIA LAND USE

As of 1993, 15.9 million acres were enrolled in the Williamson Act Program statewide. Thirty million acres of California's land are in agricultural production<sup>1</sup>. Thus, the Williamson Act is responsible for protecting over half of the State's farm and ranch land. This represents nearly a third of all private land in California (Figure 1).

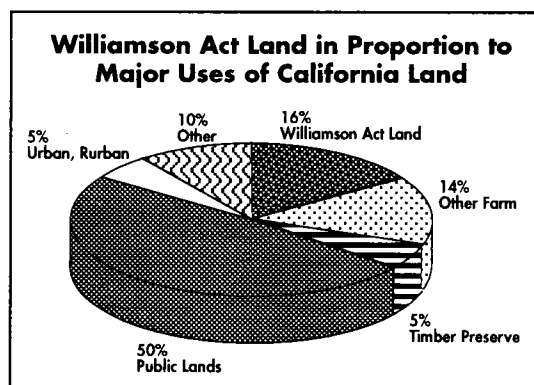


Figure 1.

## Agricultural Production and the Williamson Act

Williamson Act lands also account for close to half of the State's agricultural production dollar value. According to the most recent California Department of Food and Agriculture economic statistics, the total value of California's agricultural production is \$22 billion. As indicated by individual county agricultural production values, and the percent of each county's agricultural land under Williamson Act contract, the production value of Williamson Act protected land is about \$11 billion, or about half of the State's total agricultural commodity production value.

<sup>1</sup> California Department of Food and Agriculture. California Agriculture Statistical Review, 1992.

Table 1. Williamson Act & Agricultural Land Use Statewide, 1992

Williamson Act Land*		Agricultural Land Use**	
Category	Acres	Category	Acres
Prime	5,600,000	Irrigated	7,700,000
%	35	%	26
Non Prime	10,300,000	Non Irrigated	22,100,000
%	65	%	74
<b>Total</b>	<b>15,900,000</b>	<b>Total</b>	<b>29,800,000</b>

\* California Department of Conservation

\*\* California Department of Food and Agriculture

## Prime Versus Non Prime Agricultural Land Protection

Land under Williamson Act contract is classified into three categories: *Urban prime* (located within three miles of cities of specified size); *Other prime*, and, *non prime*, or open space lands of statewide significance. About 35% of all Williamson Act land is prime agricultural land as defined by the Act (see Appendix B for the Act's definition of prime agricultural land). Over 5.6 million acres in the Act are either urban or other prime, and 10.3 million acres are non prime. The 1992-93 statewide acreage for these categories is shown in Table 1 and Figure 2.

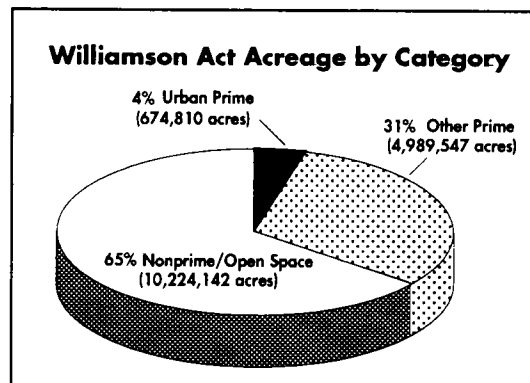


Figure 2.

Critics of the Act often argue that the Program protects largely lower quality soils, primarily range and grazing lands, and is not an important contributor to the conservation of the State's high value prime agricultural lands. They support their argument by correctly noting that non prime land comprises nearly two-thirds of the land enrolled in the Williamson Act. However, using irrigated farmland as a measure of total prime agricultural land (an actual tally of prime land is unavailable), the Act protects a larger portion of California's prime lands than the State's non prime lands (Table 1).

Furthermore, in protecting non prime as well as prime agricultural land, the Act protects an important component of California's agricultural economy. According to the Department of Food and Agriculture's 1992 statistical reports, California's rangelands produce the State's third leading farm commodity in gross farm income -- cattle and calf products. In terms of protecting the profit margins and maintaining the minimum parcel sizes necessary for livestock production in California, the Williamson Act serves a critical role in supporting the State's agricultural economy.

Finally, the protection of non prime agricultural lands encompasses other, less tangible, land values. These lands, which include such landscapes as California's oak savannah, offer immeasurable scenic open space values. Perhaps just as important, these non prime lands are part of upland watersheds whose protection from subdivision and development is important to water quality, fisheries and downstream flood management.

## **County Patterns**

As of 1993, 47 of California's 58 counties participate in the Williamson Act Program (Figure 3). In addition, at least 16 cities report acreage under Williamson Act contract<sup>2</sup>. Eleven counties do not participate in the Program. Of the top 25 agricultural counties, only Imperial, Merced and

Sutter Counties do not participate in the Williamson Act. Imperial County's decision not to participate in the Williamson Act is understandable; the County has not previously experienced dramatic urban growth which would warrant protection from high, speculation-driven taxes or land use conversion pressures. Merced and Sutter Counties have opted not to participate based on early wariness over the potential loss of property tax revenue and local land use control.

As Figure 4 shows, a few counties dominate the total acres under contract. The top ten Williamson Act counties account for nearly 60% of the total Program acreage (Table 2). Six San Joaquin Valley counties lead the acreage list, three of which protect more than one million acres each. In 1992 these six San Joaquin Valley counties along with Monterey County, accounted for half of the State's total agricultural commodity production value and over 40% of the State's total land in agricultural production.

## **Regional Patterns**

The counties of two of the State's major agricultural regions (in terms of acreage in agricultural production) -- San Joaquin and Central Coast Regions -- are also counties that are most active in the Williamson Act. Together, these two regions account for nearly two-thirds of all acreage under Williamson Act contract.

The South Coast/Desert Region of the State ranks as the second most productive agricultural region of the State, in terms of gross farm value, following the San Joaquin Valley. However, the South Coast/Desert Region ranks next to last among the State's agricultural regions in Williamson Act acreage. Without Santa Barbara County, which accounts for over 50% of the Region's Williamson Act acreage, this Region would rank last in contracted acreage. One reason for the apparent anomaly of high agricultural production and low Williamson Act participation is the non participation of Imperial County in the Williamson Act Program. Also, the agricultural lands of this Region tend to be geographically

<sup>2</sup> Because all but 24,000 acres of Williamson Act contracted land is administered by counties, further analysis in this report will focus on county participation in the program.

# Williamson Act

## Counties & Regions

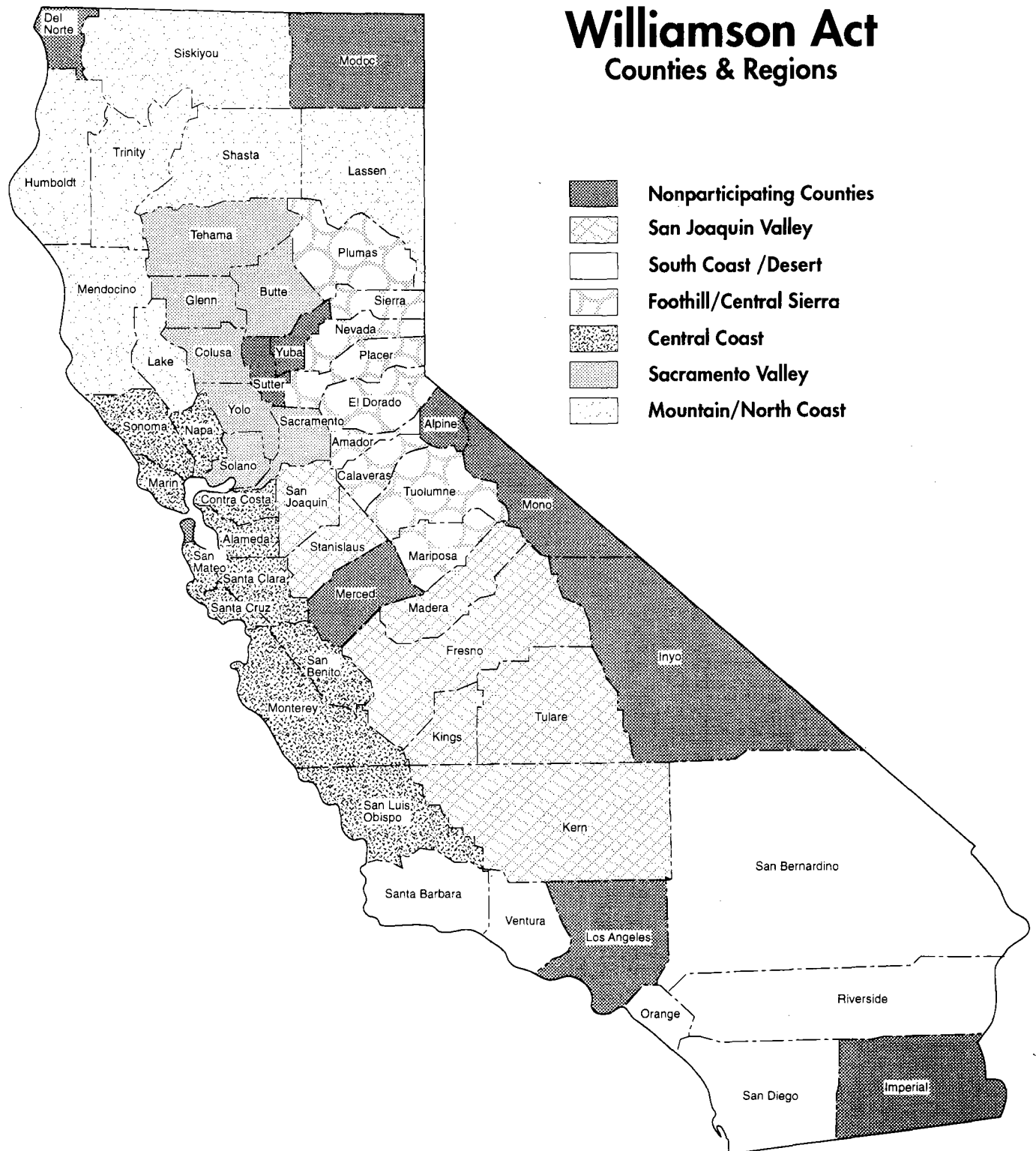
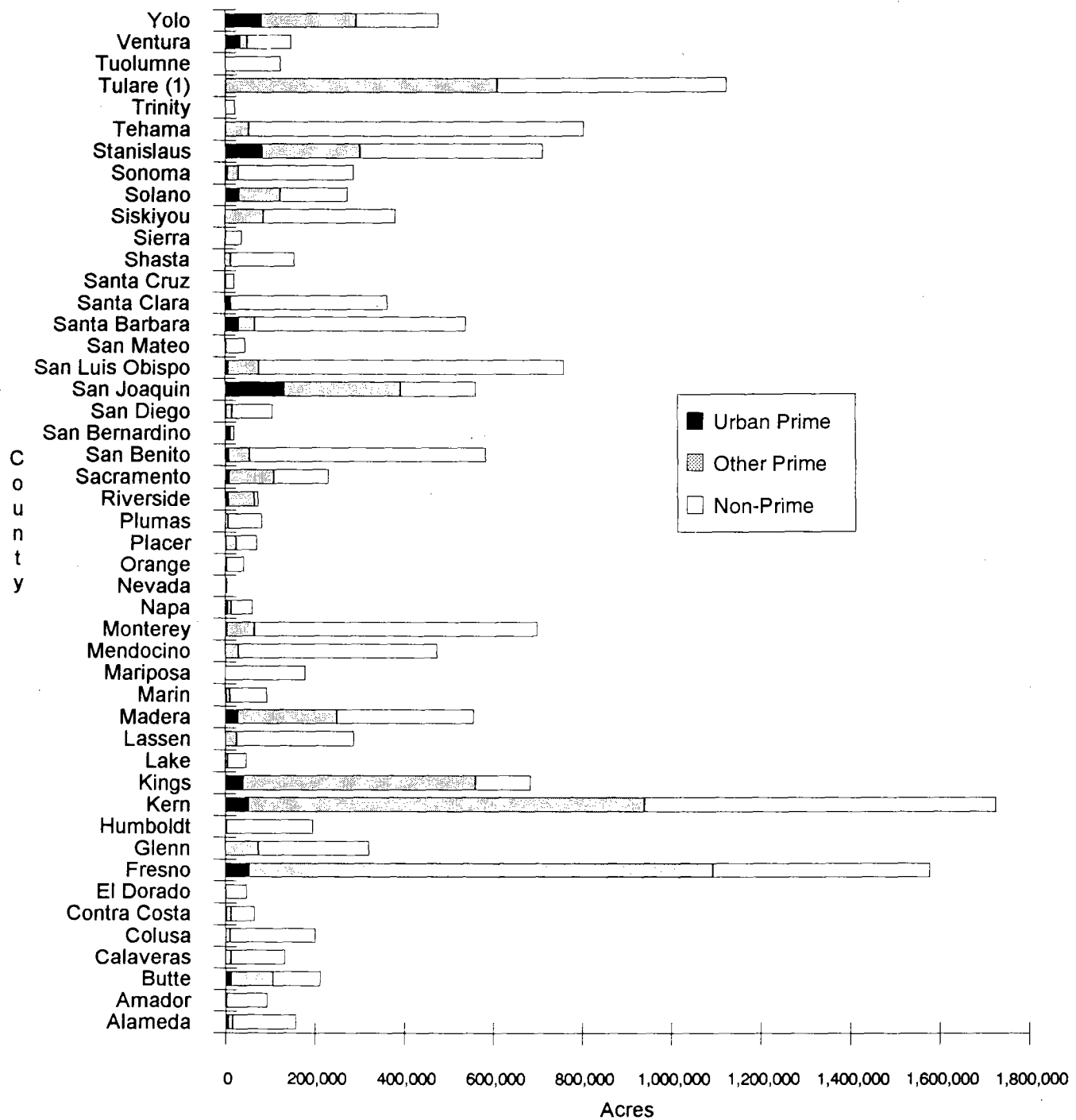


Figure 3.

## Williamson Act Enrolled Acreage, 1992-93 (Counties)



<sup>1</sup> Tulare County did not break down Prime acreage data. This chart assumes that the County's prime acreage is Other Prime.

Department of Conservation, 1994

Figure 4

**Table 2. Top 10 Counties- Total Williamson Act Acreage  
Percent in Williamson Act, Total Agricultural Acreage, Total Production Value 1992**

County	WA Acres*	% of Total Ag. Ac.**	Total Ag. Acres**	Land Rank	Production Value \$1,000***	Rank
Kern	1,726,565	58	2,980,000	1	1,546,334	4
Fresno	1,578,806	81	1,940,000	2	2,635,193	1
Tulare	1,124,519	81	1,380,000	5	2,217,616	2
Tehama	803,506	74	1,080,000	7	95,818	34
San Luis Obispo	759,862	54	1,420,000	4	276,762	18
Stanislaus	711,646	100	710,000	14	1,073,930	5
Monterey	698,861	51	1,360,000	6	1,755,919	3
Kings	684,104	99	690,000	15	775,857	11
San Benito	584,043	94	620,000	17	132,714	31
San Joaquin	561,108	69	810,000	10	902,514	9
<b>Total</b>	<b>9,233,020</b>	<b>71</b>	<b>12,990,000</b>	<b>-</b>	<b>11,412,657</b>	<b>-</b>
<b>% of Statewide</b>	<b>58</b>	<b>-</b>	<b>43</b>	<b>-</b>	<b>52</b>	<b>-</b>

\* California Department of Conservation

\*\* Estimated from the US Census of Agriculture, 1987

\*\*\* California Department of Food and Agriculture

concentrated, but of high value. For example, San Bernardino, while ranking 14th in terms of agricultural production value, ranks 29th in irrigated acreage. Most of San Bernardino's agricultural production value comes out of a concentration of dairy production in the Chino agricultural preserve.

### ***The Protection of Prime Agricultural Land***

The enrollment under Williamson Act contract of prime agricultural land is dominated by even fewer counties than total acreage enrollment. The top ten counties in prime agricultural land enrollment protect 82% of all prime land under contract (Table 3). All but three of these ten counties are from the San Joaquin Valley Region. All but two of the counties also rank among the top ten counties in terms of total irrigated land in agricultural production, further confirming the relevance of the Williamson Act to the protection of the State's best farmland.

The agricultural counties listed in Table 3 not only lead the State in the protection of prime agricultural land, but are also the top counties in terms of the proportion of each county's total Williamson Act land enrollment that is prime. Kings, San Joaquin and Fresno counties lead the list with 82%, 70% and 69% of their Williamson Act enrollment comprised of prime agricultural land, respectively. As an indicator of the success that these counties have had in protecting prime agricultural land, Table 3 shows that enrolled prime acreage in each county approaches or exceeds the corresponding acreage of total irrigated agricultural land.

The passage of Senate Bill 683 during the 1993 Legislative Session eliminated the Open Space Subvention Act's land category, "urban prime". This category described prime agricultural land located within three miles of urban boundaries (see Appendix B for full definition). While the category no longer exists for the sake of subvention entitlement payments, the Department continues to collect information on this category for use in this status report.



**Table 3. Top 10 Counties - Prime Williamson Act Acreage**  
**% Total Williamson Act Land, % Irrigated Agricultural Land 1992**

County	WA Prime Acres*	Total WA Acres*	Prime as % Total WA	Irrigated Ag. Acres**	Prime as % Total Irr. Ag.
Fresno	1,093,343	1,578,806	69	1,060,000	103
Kern	940,507	1,726,565	54	790,000	119
Tulare	608,503	1,124,519	54	630,000	97
Kings	559,443	684,104	82	500,000	112
San Joaquin	392,771	561,108	70	470,000	84
Stanislaus	301,023	711,646	42	330,000	91
Yolo	293,495	477,623	61	240,000	122
Madera	250,517	556,717	45	250,000	100
Solano	123,359	274,559	45	100,000	123
Sacramento	109,857	231,396	47	120,000	92
<b>Total</b>	<b>4,672,818</b>	<b>7,927,043</b>	<b>59</b>	<b>4,490,000</b>	<b>104</b>
<b>% of Statewide</b>	<b>82</b>	<b>50</b>	<b>36</b>	<b>58</b>	<b>73</b>

\* California Department of Conservation

\*\* Estimated from the US Census of Agriculture, 1987

The San Joaquin Valley Region leads the State in the number of acres in the urban prime agricultural land category. San Joaquin, Stanislaus, and Yolo counties are the county leaders. These three counties also lead the state in the percentage of the total contracted land that is urban prime. The high numbers and percentages of urban prime lands in these counties could be due to a number of factors, including an aggressive farmland protection policy along the urban fringe or conversely, a rapidly expanding urban area. Yolo County and its cities, for example, have a long tradition of farmland protection, including urban expansion policies that direct growth away from prime farmlands. Also, the City of Modesto in Stanislaus County has adopted policies to restrict the gradual development of farmland by encouraging urban in-fill and higher development densities. Of course, an abundance of urban prime land may simply be a result of the historic location of California towns and cities along the rail lines which traverse most of California's agricultural valleys.